IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

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PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 16283 of 2004

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Between:

Kanaka Durgamma Devasthanam, Abburu Village,

Rep. by its Heriditory Managing Trustee,

Darla Sambasiva Rao, S/o. Venkateswarlu,

R/o. Abburu Village, Sattenapalli Mandal, Guntur

District.

..... PETITIONER

AND

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1 The District Collector, Collectors Office, Guntur.
2 Chief Executive Officer Guntur Zilla Parishad, Zilla

Parishad Compound, Guntur, Guntur District.
3 Mandal Parishad Development Officer, M.D.O. Office,

Sathenapalli Mandal, Sathenapalli,
Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in trying to take possession of the land belonging to the Kanaka Durgamma Temple Abburu Village, Sattenapalli Mandal, Guntur District to an extent of Ac.0.85 cents in S.No.342/1 of Abburu Village without issuing Notification Under Section 4 (1) of the Land Acquisition Act as illegal, unlawful and without jurisdiction and offends Article 300-A of the Constitution of India in the interest of justice.

Counsel for the Petitioner: MR.P.VIJAYA KIRAN

Counsel for Respondent No.1: GP FOR REVENUE

Counsel for Respondents 2 & 3: D. Srinivas

The Court at the admission stage made the following :

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue. Both have no objection for disposal of the writ petition at the stage of admission.

Even according to the petitioner's own averments a committee was formed for

acquiring property and to collect donations for construction of school building and they want to occupy the site belonging to the petitioner-temple. It is further averred that the respondents have no right in trying to dispossess the petitioner-temple from the land in dispute.

Learned counsel for the petitioner submits that necessary funds were provided to the respondent for construction of the school building.

In view of the same, if the committee members occupy the land belonging to the petitioner, the proper forum for the petitioner is to approach the competent civil court or endowments department to safeguard its property. In this writ petition no relief can be granted.

Accordingly, the Writ Petition is dismissed at the admission stage.

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A. Gopal Reddy, J.

13th September, 2004.

Js.

ASSISTANT REGISTRAR

To

1 The District Collector, Collectors Office, Guntur.
2 Chief Executive Officer Guntur Zilla Parishad, Zilla

Parishad Compound, Guntur, Guntur District.
3 Mandal Parishad Development Officer, M.D.O. Office,

Sathenapalli Mandal, Sathenapalli,
Guntur District.

4 2 CCs to Government Pleader for Revenue, High Court

Buildings, Hyderabad.

5 2 CD copies.